

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
BID PROTEST**

FMS INVESTMENT CORP., *et al.*,

Plaintiff,

v.

UNITED STATES

Defendant.

No. 19-308C, 19-331C, 19-372C  
(consolidated)

Judge Thomas C. Wheeler

**PLAINTIFFS' JOINT MOTION FOR LEAVE OF COURT TO FILE JOINT PROPOSED  
ORDER**

Plaintiffs Continental Service Group, Inc. (“ConServe”), FMS Investment Corporation (“FMS”), and GC Services Limited Partnership (“GC Services”) (together, “Plaintiffs”), respectfully jointly request that the Court enter an order granting Plaintiffs leave to file the attached Joint Proposed Order as a supplement to the Plaintiffs’ respective Motions for Judgment on the Administrative Record.

In support of this Motion, Plaintiffs state that:

1. Pursuant to Rule of the Court of Federal Claims (“RCFC”) 20(a)(3), any motion may be accompanied by a proposed order; and
2. To the extent the Court is inclined to rule in favor of Plaintiffs’ Requests for Relief, the attached Proposed Order provides this Court with the specific relief Plaintiffs desire.

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an order granting Plaintiffs leave to file the attached Joint Proposed Order as a supplement to the Plaintiffs’ respective Motions for Judgment on the Administrative Record.

Dated: July 18, 2019

Respectfully submitted,

/s/ Todd J. Canni

Todd J. Canni

**PILLSBURY WINTHROP**

**SHAW PITTMAN LLP**

725 South Figueroa Street, Suite 2800

Los Angeles, CA 90017-5406

(213) 488-7213

(213) 629-1033 (fax)

[todd.canni@pillsburylaw.com](mailto:todd.canni@pillsburylaw.com)

*Attorney of Record for Continental Service  
Group, Inc.*

/s/ David R. Johnson

David R. Johnson

**VINSON & ELKINS LLP**

2200 Pennsylvania Avenue, N.W.

Suite 500 West

Washington, D.C. 20037

Telephone: (202) 639-6500

Facsimile: (202) 639-6604

[drjohnson@velaw.com](mailto:drjohnson@velaw.com)

*Attorney of Record for Plaintiff FMS  
Investment Corp.*

/s/William M. Jack

William M. Jack

**KELLEY DRYE & WARREN LLP**

Washington Harbour, Suite 400

3050 K Street, NW

Washington, DC 20007-5108

(202) 342-8521

(202) 342-8451 (Fax)

[wjack@kelleydrye.com](mailto:wjack@kelleydrye.com)

*Attorney of Record for Plaintiff GC Services  
Limited Partnership*

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No. 19-308C, 19-331C, 19-372C  
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Judge Thomas C. Wheeler

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTIONS FOR JUDGMENT  
ON THE ADMINISTRATIVE RECORD**

This matter having come before the Court on Plaintiffs' Motions for Judgment on the Administrative Record, and the Court being fully apprised of the premises and having considered any opposition thereto, it is this \_\_\_ day of \_\_\_\_\_ 2019, by the United States Court of Federal Claims:

ORDERED that Plaintiffs' Motions for Judgment on the Administrative Record are GRANTED;

FURTHER ORDERED that the Defendant, the United States, and its officers, agents, and employees, acting through the Department of Education ("ED") is enjoined from further proceeding with the receipt and evaluation of proposals under Solicitation No. 910031-19-R-0008 for Business Process Operations (the "BPO Solicitation") wherein default recovery services are consolidated with other services;

FURTHER ORDERED that the Defendant, the United States, and its officers, agents and employees, acting through ED is enjoined from cancelling Solicitation No. ED-FSA-16-R-0009 (the "Default Collection Procurement") until ED issues a new solicitation or amends the BPO Solicitation in such a manner as to allow interested offerors, on an individual basis, to submit

independent proposals for default recovery services to allow for full and open competition as required under the Competition in Contracting Act, 41 U.S.C. § 3306, (“CICA”) by allowing offerors to submit proposals for default recovery services;

FURTHER ORDERED that any such solicitation for default recovery services or similar amendment to the BPO Solicitation shall be issued within 30 days of the issuance of this Order and ED shall implement a timeline that leads to the awards within 90 days of the issuance of the solicitation or amendment.

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Dated

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Thomas C. Wheeler  
Judge